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Introduced by Mr. HARRIS, of Cabarrus.

W. W. Holden, Printer to the State.

A BILL TO PROVIDE FOR THE ESTABLISHMENT  
OF GRADED SCHOOLS IN NORTH-CAROLINA,  
AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted by the General Assembly of the*  
2 *State of North-Carolina, and it is hereby enacted by the au-*  
3 *thority of the same,* That there may be established in each  
4 county in the State, one or more Graded or High Schools,  
5 as part of the system of Common Schools, und under the  
6 regulations hereinafter prescribed. And the whole sys-  
7 tem of Graded and Common Schools shall hereafter be  
8 known and designated as *The Public Schools of North-*  
9 *Carolina.*

SEC. 2. *Be it further enacted,* That it shall be the duty  
2 of the President and Directors of the Literary Fund to  
3 set apart, of the annual proceeds of said fund, not more  
4 than twenty *per cent.* of the amount due to each county,  
5 for the support of one or more Graded Schools in the  
6 same: *Provided,* Such appropriation can be made with-  
7 out impairing the efficiency, or interfering with the usual  
8 operations of the Primary or Common Schools; *And pro-*  
9 *vided,* A sum equally large is raised by county taxes for  
10 the same purpose.

SEC. 3. *Be it further enacted,* That any county of the  
2 State may, by its County Court, a majority of the justices  
3 being present, adopt this system of Graded Schools, with-  
4 out waiting for the action of other counties; and the  
5 clerk of the County Court may, at the request of the  
6 State Superintendent of Public Schools, call the justices

7 together out of term, and the system of Graded Schools  
8 may be adopted at such meeting, the proceedings of  
9 which shall be recorded and authenticated by said clerk.

SEC. 4. *Be it further enacted*, That when the system of  
2 Graded Schools is thus adopted by any county in the State,  
3 it shall be the duty of the County Court of the same to  
4 lay a tax for its support, the amount of which shall be at  
5 least equal to the amount appropriated for the same pur-  
6 pose from the Literary Fund. And the said tax shall be  
7 due and collected as other school taxes, and shall be pay-  
8 able to the Treasurer of the Trustees of the Graded Schools  
9 for the county. And the Sheriff shall be liable for default  
10 as in case of other school taxes, and he and the Treasurer  
11 shall agree in a statement of said taxes, to be filed with  
12 the clerk of the County Court, under the same rules, reg-  
13 ulations and penalties as are prescribed in regard to other  
14 school taxes; and the clerk of the County Court shall re-  
15 cord the same, and transmit it to the State Superintendent  
16 of Public Schools, under the regulations above referred to.

SEC. 5. *Be it further enacted*, That there shall be a  
2 Board of Trustees for the Graded Schools in each county  
3 adopting the same, to consist of five persons, *to wit*: of  
4 the Chairman of the Board of County Superintendents of  
5 Public Schools; of two persons, citizens of the county,  
6 annually elected by the County Court, a majority of the  
7 magistrates being present; and of two persons, citizens of  
8 the county, to be annually appointed by the State Super-  
9 intendent of Public Schools, and liable to removal by him  
10 for neglect of duty, incompetency, or misconduct in office;  
11 and each member of the Board of Trustees shall continue  
12 in office until his successor is appointed. And the said  
13 board shall be and is hereby constituted a body politic  
14 and corporate, under the name and style of "The Trus-  
15 tees of the Graded School (or Schools) of ——— county;"  
16 and as such shall have succession, and power to sue and  
17 be sued, to plead and be impleaded in courts of law and  
18 equity, and to receive, hold and transfer real and personal

19 property, for the uses of said schools. And all the records,  
20 books and papers of said Trustees shall be preserved for  
21 the use of their office, and transferred to their successors.

SEC. 6. *Be it further enacted*, That the said Trustees  
2 shall annually elect, of their number, a President, Secre-  
3 tary and Treasurer. The President shall preside at their  
4 meetings, and shall have power to call the board together  
5 at such times and places as he may designate. The Sec-  
6 retary shall record all the proceedings of the board in a  
7 book kept for that purpose, and file and preserve official  
8 documents. And the Treasurer shall receive, hold and  
9 pay out all the funds due to the board or to him as Treas-  
10 urer, but shall make no payment except on the warrant of  
11 the president countersigned by the Secretary.

SEC. 7. *Be it further enacted*, That before the Treasurer  
2 enters on his duties he shall give a bond, in such sum and  
3 with such sureties as the Trustees may designate and ap-  
4 prove, payable to the State of North-Carolina, conditioned  
5 for the faithful performance of his duties; which bond  
6 shall be filed, recorded and renewed as bonds of Chair-  
7 men of Boards of County Superintendents of Public or  
8 Common Schools. And the Treasurer, so qualified, shall  
9 be entitled to demand and receive from the Treasurer of  
10 the Literary Fund of the State, from the Sheriff of the  
11 county, and from others, the funds due to the Graded  
12 Schools, he presenting to the Treasurer of the Literary  
13 Fund a warrant similar to that of the Chairman of the  
14 Board of County Superintendents of Public Schools, au-  
15 thenticated by the clerk of the County Court, with his seal  
16 of office.

SEC. 8. *Be it further enacted*, That the said Treasurer  
2 shall pay to his successor in office all the funds in his hand,  
3 under the same rules and penalties as are required in case  
4 of Chairman of County Superintendents of Public Schools,  
5 and shall annually, at such time as may be designated by  
6 the State Superintendent of Public Schools, make a report  
7 to his Board of receipts, credits, disbursements and debts,

8 which report shall be examined like reports of Chairmen  
9 of County Superintendents of Public Schools, recorded by  
10 the Secretary and sent to the State Superintendent of  
11 Public Schools, authenticated like the reports of said  
12 Chairmen, and under the penalties and regulations pre-  
13 scribed in their case. And for his services herein he shall  
14 be allowed to retain five *per cent.* of the earnings which  
15 pass through his hands; and all the Trustees shall be paid  
16 from the public fund whatever reasonable expenses they  
17 may incur in the discharge of their duties, to be credited  
18 and approved by the Committee of Finance for the County.

SEC. 9. *Be it further enacted,* That it shall be the duty  
2 of the Trustees of the Graded Schools to select locations  
3 and to receive buildings for the use of the Schools, they  
4 being required to locate them in the county, when it is  
5 possible, and to have reference to the economy of living,  
6 to health, and to the convenience of the people of the  
7 county. And it shall be the further duty of said Trustees  
8 to determine the number of pupils which may be admitted  
9 into such School, to arrange the sessions of the same, to  
10 select teachers and fix their salaries, to fix the rates of  
11 tuition for paying pupils, to visit the Schools and aid in  
12 preserving discipline, to select the pupils, under the regu-  
13 lations hereinafter prescribed, to meet at least three times  
14 in each year, and to make to the State Superintendent of  
15 Public Schools a semi-annual report, at such time as he  
16 may prescribe, and in the forms prepared by him, setting  
17 forth the number, sex and character of the pupils of each  
18 School, the number of teachers employed and their sala-  
19 ries, the prices of tuition, the studies pursued, the value  
20 and character of the buildings and school apparatus, the  
21 receipts and disbursements of the Treasurer, and such  
22 other information as the said State Superintendent may  
23 require.

SEC. 10. *Be it further enacted,* That the Trustees shall  
2 in no case pay for buildings for the use of said Schools or  
3 for apparatus or furniture.

SEC. 11. *Be it further enacted*, That it shall be the duty of the State Superintendent of Public Schools to prescribe the course of studies for the Graded Schools, to furnish instructions and blanks to trustees and teachers, to fix the times for the annual reports of Trustees and Treasurers, to determine the forms of reports from teachers to the Trustees, to arrange, in connection with teachers, the forms of certificates of scholarship to be issued and signed by teachers and trustees; to exert himself to have the provisions of this bill carried out in each county of the State; to appoint an agent in each county to solicit donations for the use of the Schools, and to be paid to the Treasurers of Boards of Trustees; to decide all questions arising in regard to the meaning of this bill, and which shall be binding until reversed by a court of record, having jurisdiction in the premises; and to embody in his annual report a summary of the statistics of each Graded School, with the report in full of each Treasurer.

SEC. 12. *Be it further enacted*, That it shall be the object of the Graded Schools to furnish a thorough business education, and to prepare good teachers for the Public Schools; and the Schools shall be male and female, the sexes having separate apartments for study, and when important, for recitation, and separate grounds for recreation and amusement.

SEC. 13. *Be it further enacted*, That two classes of pupils may be admitted into the Graded Schools, *to-wit*: pupils who pay tuition and those who do not; but there shall be no distinction in the studies or discipline of these classes.

SEC. 14. *Be it further enacted*, That the Trustees of the Graded Schools, in order to procure suitable buildings, furniture and apparatus, may allow those who supply the same, to furnish not more than one-fourth of the pupils of the school to which they so contribute, the pupils to be apportioned among them by their own agreement, and if they cannot agree, by the Trustees; and these pupils shall in all cases pay the tuition charged to paying pupils of all

9 classes, and which shall be fixed by the Trustees of each  
10 school at reasonable rates, according to the studies pursued.

SEC. 15. *Be it further enacted*, That the pupils who do  
2 not pay tuition shall, if so many apply, constitute the other  
3 three-fourths of the schools; and these shall consist of the  
4 following classes to be entitled to priority of admission  
5 in the order in which they are here named, *to-wit* :  
6 *First*, persons not over thirty-five years of age who have  
7 been disabled in the military service of the country from  
8 manual labor, and who are dependent on their own exer-  
9 tions for a living. *Secondly*, indigent children whose  
10 fathers, and if they were fatherless, whose supporters have  
11 died or been killed or disabled in the service of the State  
12 or of the Confederate States, during the present war, and  
14 who are between the ages of 12 and 21. *Thirdly*, the  
15 indigent children of soldiers of the State or of the Con-  
16 federate States during the war, but have not lost their  
17 fathers or supporters, and who are between the ages of  
18 12 and 21. *Fourthly*, persons who wish to teach  
19 Public Schools, and who are unable to pay tuition, and  
20 who, if females, are between the ages of 15 and 27, and if  
21 males, between the ages of 16 and 30. *Fifthly*, the chil-  
22 dren of any class who are unable to pay tuition, and who  
23 are between the ages of 12 and 21.

SEC. 16. *Be it further enacted*, That if any Graded  
2 School is not filled by the classes of pupils described in  
3 sections XIV and XV, then paying pupils may be received  
4 between the ages of 12 and 21, from any class within the  
5 county, and if not filled by pupils from the county, by  
6 paying pupils from other counties. And all non-paying  
7 pupils shall come from the county in which the school is  
8 located unless these do not fill it.

SEC. 17. *Be it further enacted*, That all applicants, of  
2 every class, for admission into the Graded Schools, shall  
3 be examined by the committee to examine teachers of  
4 Public or Common Schools, and shall be required to exhibit  
5 the evidences of moral and mental qualifications required

6 in teachers of Common Schools, and to receive certificates  
7 to that effect before they can enter said Graded Schools.

SEC. 18. *Be it further enacted*, That the committee to  
2 examine Common School Teachers, shall hereafter consist  
3 of the Chairman of the Board of Superintendents of Com-  
4 mon Schools, who shall be *ex-officio*, Chairman as hereto-  
5 fore, and if there is one Graded School in the county, of  
6 its principal as a second number, if there are two, of the  
7 principals of these, and if more than two, then of the two  
8 who may be selected by the Board of County Superinten-  
9 dents. And if there is but one Graded School, or none,  
10 said Board shall fill out the committee as heretofore.

SEC. 19. *Be it further enacted*, That the Committee of  
2 Examination, in each county where there is a Graded  
3 School shall meet at least four times a year to examine  
4 applicants for admission into it; they shall give public  
5 notice of the time and place of such meeting, and shall  
6 receive the same compensation paid for examining Com-  
7 mon School Teachers. And it shall be the duty of the  
8 State Superintendent of Public Schools to issue annual  
9 letters of instructions and suggestions to these Committees.

SEC. 20 *Be it further enacted*, That the Trustees of the  
2 Graded Shools shall, under the directions of the State  
3 Superintendent, and in the forms prescribed by him, give  
4 notice through the *N. C. Journal of Education*, in the  
5 newspaper having the largest circulation in the county and  
6 in four public places, including the court house door, of  
7 the commencement of each session of the Graded Schools,  
8 of the number of pupils to be admitted, and of the terms,  
9 and also, of the times and places where the Trustees will  
10 meet to receive applicants for admission. And when  
11 there are more applicants, duly qualified, of any one class  
12 entitled to admission, than will fill the School, the selec-  
13 tion shall be made by lot.

SEC. 21. *Be it further enacted*, That donations and sub-  
2 scriptions on the part of individuals or bodies for the use  
3 of the Graded Schools shall be invested in the name of



4 the Trustees, and the proceeds used as the public fund,  
5 unless said contributions are needed for the annual sup-  
6 port of the schools; and all income of all classes, contrib-  
7 uted without conditions, shall be first devoted to the pay-  
8 ment of teachers, salaries, and to the expenses of the  
9 Trustees, and the purchase of necessary fuel. If there is  
10 any balance left, after the payment of these expenses, the  
11 portion arising from county funds and from private contri-  
12 butions shall be invested for the use of the schools, and  
13 that coming from the Literary Fund be held subject to  
14 the order of the President and Directors of said fund.

SEC. 22. *Be it further enacted*, That the Common and  
2 Graded Schools of the State shall be called *The Public*  
3 *Schools of North-Carolina*—the former to be distinguished  
4 from the latter by the term *Primary*, and the latter to be  
5 known by the name of *Graded Schools*.

SEC. 23. *Be it further enacted*, That it shall be the duty  
2 of the State Superintendent of Public Schools to have this  
3 Bill published in pamphlet form and circulated among the  
4 people and authorities of the State; and, also, to furnish  
5 for publication in the newspapers a digest of its provisions  
6 with a numbered list of the classes of persons for whose  
7 benefit the Schools herein provided for are designed.

SEC. 24. *Be it further enacted*, That this Bill shall be in  
2 force from and after its ratification.

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